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August 4, 1954

AEC 620/12

COPY NO. 17

ATOMIC ENERGY COMMISSION

PAYMENT OF CLAIMS OF MARSHALL ISLAND INHABITANTS

Note by the Secretary

The attached exchange of letters with the Department of Defense General Counsel is circulated for the information of the Commission.

ROY B. SNAPP

Secretary

AE
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UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON 25, D. C.

July 30, 1954

Dear Mr. Brucker:

This is in response to your letter of July 9, 1954, expressing concurrence in the views contained in our letter of May 28, 1954,* relating to settlement of claims by Marshall Islanders for personal injuries or other damages arising from test activities of Joint Task Force SEVEN. As suggested by you, we will transmit to the Department of Defense for appropriate consideration under the Foreign Claims Act any claims which the Atomic Energy Commission may receive from Marshall Islanders based on personal injury or damage to or loss of private property as a result of test activities of Joint Task Force SEVEN.

We would also like to express our appreciation of the spirit of cooperation displayed by the Department of Defense in dealing with this matter.

Sincerely yours,

/s/ Joseph Campbell

Acting Chairman

Honorable Wilber M. Brucker
General Counsel
Department of Defense

Department of Energy
Historical Office
12000000

*Secretariat Note: Circulated as AEC 620/11.

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GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

Washington 25, D. C.

9 July 1954

Dear Admiral Strauss:

This is in further reply to your letter of May 26, 1954 in which you suggest that it would be highly desirable to settle expeditiously any meritorious claims of Marshall Islanders for personal injuries or other damages arising from test activities of Joint Task Force SEVEN.

We have considered the views expressed in your letter and are in agreement with them. We agree that the possible claims against the United States by Marshall Islanders would be claims arising in a foreign country and that this fact would preclude their satisfaction under the Federal Tort Claims Act.

On the other hand, the Foreign Claims Act does authorize the payment, under certain circumstances, of claims not in excess of \$5,000 on account of damage to or loss of private property or personal injury to inhabitants of a foreign country, when the damage or injury is caused by United States armed forces or is otherwise incident to non-combat activities of such forces.

We understand that no claims have yet been made by any Marshall Islanders. We suggest that if the Atomic Energy Commission receives any claims from Marshall Islanders based on personal injury or damage to or loss of private property as a result of test activities of Joint Task Force SEVEN, such claims be forwarded to the Department of Defense for appropriate consideration under the Foreign Claims Act.

Sincerely yours,

/s/

WILBER M. BRUCKER
General Counsel

The Honorable Lewis L. Strauss

Chairman, Atomic Energy Commission

Department of Energy
Inspector's Office
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